



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3644 FAX (603) 271-2181



Draper Energy Co., Inc
148 Main Street
Wilton, NH 03086

Re: DES Site No. 199506032
East Milford Bulk Plant
Nashua Street
Milford, NH 03055

ADMINISTRATIVE ORDER

BY CONSENT
No. WMD 03-05
April 22, 2003

COPY

A. INTRODUCTION

This Administrative Order by Consent is issued by the Department of Environmental Services, Waste Management Division to, and with the consent of, Draper Energy Co., Inc., pursuant to RSA 146-A:11-c, RSA 146-A:15, and RSA 146-A:16. This Administrative Order by Consent is effective upon signature by both parties.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.
2. Draper Energy Co., Inc. is a New Hampshire corporation having a mailing address of 148 Main Street, Wilton, NH 03086.

C. STATEMENTS OF FACTS AND LAW

1. RSA 146-A authorizes DES to minimize contamination of the waters and land of the state due to improper storage and handling of petroleum by establishing requirements for the operation of aboveground petroleum storage facilities. Pursuant to RSA 146-A:11-c, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 1402 to implement this program.
2. RSA 146-A:15 authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 per offense for violations of RSA 146-A, including any rule adopted pursuant thereto. Pursuant to RSA 146-C:15, the Commissioner of DES has adopted Env-C 615 to establish the schedule of fines for such violations relating to aboveground storage tanks.
3. Draper Energy Co., Inc. is the owner of one 83-year old 50,000-gallon #2 fuel oil, one 83-year old 150,000-gallon diesel, and two 83-year old 15,000-gallon gasoline aboveground petroleum storage tanks ("subject AST systems") located at the East Milford Bulk Plant, Nashua Street, Milford, further identified by the DES site number 199506032 ("the Facility").
4. The AST systems at the Facility are subject to the requirements of NH Administrative Rules Env-Wm 1402.